AGAINST A DOCK LINE

pose, and the owner of the riparian right fully compensated for the land so taxon. But to justly occupensate an owner for his land is one thing, and forcing him to set the posts and build a wall at his own expense is quite another.

Incompresses Explained.

The evident object of this law abould be to combenie certain rights which the riparian respondent has and to pay him just compensation for the rights so taken. The legislature having bettely permanently established and fixed such dock, water, 'anntary' and building' lines,' described by metes and bounds and the city wishing to build a wail, the law by its title authorizes the city of timand Rapads to acquire private property for such public use.' Under the above title what legislation have we a right to expect to find.' We certainly are not surprised to finding section? that the legislature has thereby fixed permanent dock, 'safety,' sanitary and building lines, nor are we surprised to find these lines described as in section two, but we should be surprised to find that affect the legislature had permanently fixed a line, it then became necessary to condemn property to fix the same line condemn property to fix the same line which was already fired and established. Then what may we expect the city is Then what may we expect the city is authorized to arquire private property for, unless it is an which to build a wall to mark the me? That the building of the walls is so part of the condemnation proceedings is manifest from the fact that so provision is anywhere made in this law to in any manner, compensate the minimum for the building of this and which from the title of ing of this wall, which from the title of the bill you would have the right to in-fer is to be built by the city, at the city's expense, and not by the individual, at the individual's expense. And the first intimution that the individual is to pay the entire expense without reference to the entire proceedings are provided for, with no reference to his receiving just a mpensation, or any other compensa-tion for building the wall, nor damages L . inwring to build it.

Suggesting Requirements.

Section 21 says that "after the ty has acquired the right to maintain permanent lines, as herelabefore provided—in which provision there has not been a hint tha private parties would be compelled to build each wall, and no provision nor hint that the jury was to act upon any such theory, and no provision, either in the versitet or elsewhere referring to the matter, so far as the jury's actions and awards are concerned, that the owner was to build a wall at all; and after as award has been made for certain other damages, then comes this remarkable provision, section 21, as follows: The city shall have power and it shall be its duty to resource the owner of oxyment. duty to require the owner or occupant, suitable stone will along said line under the direction and supervision of said board of public works, and every such owner or occupant shall be required, at his own express to construct such wall or walls from time to time on said line in front of or adjoining his labds or promises facing or bordering on the river, and to maintain the same in good

Section 27, page 163, is as follows: "It any such owner or occupant shall neglect or refuse to construct such wall or ction thereof within the time as the mid board shail in such notice prescribe, it shall be lawful and it shall be the ment upon such owners or such occu-pants for the amount which the city had to pay for building such walls, and it shall be the duty of the board of review to assess the amount upon such parcels of land, which shall become a en upon it, to be enforced by the sale the land." See section 27, page 170, charter last

A Snap Afterthought.

Thus, without any notice whatever to ceedings that he is expected to pay any with every reference to the wall being built by the city until the entire con demnation proceedings are comple tice expense thereof. These condemnation preceedings, by title and by enactment, everywhere point to the city as the builder of the wall; the city being the party authorized by the law and more in the title as follows "And to authorize the City of Grand Rapids to scenico private property for such public um." The first reference to the walls is in the arrow title, and from that title neither the legislature nor the people have any right to infer that private perman were required to build the wall, The first mention of the wall in the act is the last clause of section 3, page Rapids is authorized to obtain from the owner (among other things) the inde-fensible right to the said city, to cause to be constructed surable atme walls along certain lines hereinafter merithe act is on page 105, section 18, near the betteen of the page, wherein, after the money has been put into the treasure for what has been condement, which selected to stone units, this second reference is made to such walls. The confor the angle purpose of permanently fixing dock str., ones, and not for building walls, as will be seen by the follow-

Second reference to walls: "Whenever the amount of such compensation in in the trobusy and financerred to be paid, the dock, she have established under and by victur of these proceedings shall become breed." Now that the lines are fixed, the said city of Grand Rapids whall have power to came in be con atended the massury walls in this art set provided for."

The third reference to walls section 21, page 168, defines where walls shall be references made to private persons build-ing the walls in this before quoted has guage: "Every next sant or owner shall be required to build a wall or walls at his take expense and keep them in good

repair, etc. The fifth reference to walls sections 20 and 27 says that if the owner will not hold the sails the city may keep at exact account of every cont expended, and cause the board of review to: spend it on the bood of the eightein a cuine tax, and chake it the duty of the board

No provisions has been made for the parment of any portion of it, under any circumstances, by the city and no per-tion uncled any excessmances to be paid

at large, or the city, or other individuals may be benefited.

I have thus referred to overy reference in mid act to the construction of the stone walls. Neither it the title nor in the act itself do I find any intimation that any person or any cospection, other than the city, is authorized or expected to build the wall until the whole condemnation proceedings have been completed, the money collected to pay the awards and in the treasury for that purpose, after the line has by that law been twice permanently fixed. Section 2, page 123, and second by section 13, page 165.

What "Lines" Means.

What "Lines" Means.

What "Lines" Means.

It is true that many times in title and enactment reference is made to permanent line or lines, and it is true that whenever the wall is spoken of in that connection these words are used. "The city shall have the right to cause to be constructed, etc.," but I prefer to give these terms a reasonable, rather than a simister and misicading interpretation, and so I accept the definition given in section 2 that the legislature fixed the permanent dock lines when it said in section 2 such dock, safety, sanitary and building lines are hereby permanently established and fixed;" and also in section 18, where it mays: "Whenever the amount of such compensation is in the treasury, the dock, safety, sanitary and building lines established under and by virtue of such proceedings that is, the condemnation proceedings shall become permanent lines being fixed twice in the same act, before anyone is required to build walls, I cannot consistently interpret permanent lines to mean walls of masonry. I shall, rather, in this case, interpret that language to mean just what it would seem to mean, that when authority was given to the city to cause walls to be built, it means that the city is at liberty to build walls, and let the contract, at its own expense, and I cannot by any stretch of imagination make it appear to mean that the city is at liberty to build walls, and let the contract, at its own expense, and I cannot by any stretch of imagination make it appear to mean that the city is cause walls to be built at the expense of some private person or persons. No such interpretation can rea-

the city to cause walls to be built at the expense of some private person or persons. No such interpretation can reasonably be given to any expression up to the time subsequent to the conclusion of the condsmnation proceedings, previous to which the owner has had no notice that he was expected to build such wall, and the jury in the condemnation proceedings have had no hint that they were to allow just compensation to him for building such walls, without reference to benefits or injuries; no matter what the condition, he must build a wall of any height, thickness or slope determined by the board of public works and pay for it himself.

I will now proceed to discover, If I can, what the legislature has authorized the city to condemn and what awards the jury can make and for what pur-

First—The legislature (section one) declares the permanent establishment of 'dock,' safety,' sanitary' and 'building' lines a public necessity. Section two permanently establishes them and describes them and provides that before anything in this section or in this act contained shall deprive the owner or owners of rights, estates or lands bordering on the waters of said Grand river from building out beyond the lines in this act provided to be established, it shall be the duty of said city and it is authorized to procure and obtain from every such owner cure and obtain from every such owner the rights, estates or lands to be affect-ed by the establishment and maintenance of such permanent line or lines by purchase or written release, or by con-demnation proceedings, as hereinafter provided, or otherwise, the indefeasible right to the city to maintain such a line or lines permanently, together with the right to cause to be constructed suita-ble stone walls, etc." How easy, at this point, it would have been to have added the words, "by the owners of the adja-cent property," if the intention had been to fairly give them or the legisla-ture notice of such intention. Section 3 is as follows: "For the pur-

pose of obtaining such rights by and on pose of depriving riparian owners, etc., of rights, estates or land, and all rights and privileges which they may have to avail themselves of any advantage, priviege or right to build out into the river beyond such permanent 'dock,' etc., lines hereinafter established, or to all that portion of such lines situated between the north line of said city and the north line of said Fulton street bridge, the said city shall institute proceedings in taking such private property not for building walls) for the use and benefit of the public, within constitutional

Section 4 describes how the proceed ings shall commence "to carry out the objects of this act" in regard to (not building walls, but) taking private property, describing it as near as may be, for such public improveproceedings, no description whatever of any wall. Section four also states "and any wall. Section four also states "and that such improvement is for the use and benefit of the public"-and not the

Section 5 gives directions as to how to proceed, and of the petition for condemnation proceedings says, "it shall state, among other things, that it is the commencement of judicial proceedings by said city in pursuance of this act, to acquire the right to take private property for the use of the public, without the consent of the owner, for a public improvement, designating it, for just compensation to be made for it." See page 18. And in the whole condemna tion proceedings, I again repeat, there is no description of a stone wall, nor reference to the building of one. It must be remembered that whatever is taken by these proceedings must be for rate persons. Section three, page 155. "For the purpose of depriving the riparian owner and other owners of rights, estates or lands of all rights or privileges which they may have, etc.," and seked mentioned in section five, page 1791, "to acquire the right to take of the public, without the consent of the owner, for public improvement, a just be seen that whatever rights are taken from private persons must be taken became some public necessity exists for the taking, and for no other reason can these proceedings he in any manner partified.

It has been stated in the argument

that one of the items of com-pensation to the owner for the condemnation of his rights to build permanent buildings and fill into the wall, thereby enjoying the entire right of such portion of the river bed as is here found between the banks of the stream and the frient line of the wall the and orales if the duty of the heard of review to so spread it.

No provision has been made for the parament of any portion of it, under any circumstances, by the city and no per the owner of the hed of the stream continue and the friend the supreme coort, in the City vs. Powers, has already decided that the owner of the hed of the stream can not be deprived of his right to both by persons of the than those who may be an interference of the value out into and over the stream so far as he may desire, no long as he does not interped the material flow of the water or otherwise interfere with the rights of the

public therein. And because it did not appear in that case that Mr. Powers' permanent wall (which was located precisely where the wall is now required to be built by him is located) did not in any manner interfere with the flowage of the river or the public rights therein, the supreme court reversed a decision of this court against him, and in substance said that he not comy had the right to build a permanent wall where he did, but that he had the further right to build as permanent wall where he did, but that he had the further right to build to the thread of the stream so long as he did not interrupt the flow of the water, etc., therein so that, as stated in the arguments of the respondents attorneys, there is no compensation to riparian owners on account of any privileges inside of the "dock" line that in the least compensates them for the deprivation of the rights they now have to build to the thread of the stream, so long as they do not interfere with the flow of the water, etc., and certainly where this so-called dock "etc. lines run upon the shore not interfere with the flow of the water, etc., and certainly where this so-called "dock." etc., lines run upon the shore and margin of the stream it can not be claimed that there is even an inuendo that any such compensation can exist, for under this law the building line is not permitted to go out beyond the outer portion of the wall, even where such wall runs upon the shore of the stream, which land the respondents unquestionably own.

Rights of the City.

Nor is that all the trouble we meet, for, by section three, page 155, the city of Grand Rapids may institute proceedings for the purpose of depriving riparian owners, etc., of all rights, estates or land or any advantage, privilege or right to build out into the river beyond such permanent lines, but the city of Grand Rapids shall, as to all that portion of such lines situated between, etc., institute proceedings for the purpose of preventing them from so building (see section 18, page 165) and after such proceedings have been taken it shall, from thence, be absolutely unlawful for any person or persons to construct any dock. Rights of the City. person or persons to construct any dock, wharf, building or structure of any kind extending over and beyond said line, or to fill out in said river, or in any manner to fill out in said river, or in any manner encroach upon said river beyond said line so established and fixed by such proceedings." etc. Now, by this provision the owners of all the river bed are absolutely forbidden to build any kind of structure beyond the line, no matter whether they build so as not to obstruct the flow of the water or trespass upon any rights of the public, still by the same act, the city is empowered by section 23, page 167, as follows: "It shall nevertheless, be lawful, and the city shall have the right, to erect and maintain public market places, etc., over and across said river beyond the lines so established, and such market places, etc., to be supported by stone or iron piers, or upon iron columns or supports resting upon the river bed " and then describes the manner in which the piers or columns shall be placed.

Obstructing the River.

Obstructing the River.

It is claimed in the argument upon one side that if this law is good at all, the city has the right, anywhere between these lines, to build its market places, etc., even over the entire length of the river between these lines within the city limits, while the owner is prevented forever from building either a private or public market or any other building upon the same kind of piers or columns, which will in no manner obstruct the river any more manner obstruct the river any more than the piers and columns permitted to be built by the city. This proposition is denied upon the part of the city, and they refer to section 4 article 8, of the state constitution, as restricting them to a certain extent, but that section does not seem, directly or indirectly, to refer to the building of market places in the river; first, because Grand river has been adjudged not to be a navigable river at this point; and, second, because a market place is not necessarily a bridge or a dam.

The section referred to reads as follows: Article 18, section t: 'No navi-able stream in this state shall be either bridged) or dammed without authority from the board of superviors of the proper county, under the provisions of law." So the constitution does not seem to apply to the market places permitted to be built by the city. If so built as not to prejudice the right of individuals to the free pavigation thereof.

On the one hand it is claimed that the

ity under this law can cover the entire ed of the river between the lines mention, from city limits to city limits, and that the individual is forever precluded from doing the same thing, in the same manner, on his own land. However that may be, under the wording of this law this is certain, that if such is not the correct aterpretation of the law there are too strong grounds for the justification of antagonistic interferences from its language. If such was not the object and aim of section 23, a few words incorpor-ated therein would have left the intention of the legislature clear, where now, it is, to say the least, vague and uncertain, and every law having for its object the deprivation upon one side and the assumption upon the other of such important interests should be so clear as o be susceptible of only one interpreta-Besides this, it is quite apparent that the rights and privileges secured to the city by this section are of great benefit to the city, but they are thus secured by depriving the riparian owners of the same rights and privileges, and no compensaon seems to be provided therefor. Such objects are not germain to the estab-lishment of dock lines and are not embraced in the title of the act. As before stated, it is possible for the main pur pose of the act to stand with the provision relative to sewers struck out, but to continue the operation by removing the provisions relating to compelling in-dividuals to build and maintain walls, and the further provision relative to experiment, for it cannot be eafely said that the act would ever have been passed by the legislature, simply to esablish dock etc., lines had not these provisions relative to other objects been enheaced in it.

It is the duty of courte to so interpret. a statute as to give effect to every clause, as embodying the sense and intention of the legislature, if it is possible to do so. but to do so in this case would be, it seems to me, to enforce objects not embraced in the title, and as the court cannot determine whether the act would have passed without containing these provisions and judging from the promiact, my presumption is that it would become a law without the unconstitutional provisions were contained in it, and therefore the whole act must be declared cold. The petition is there fore denied.

World's Feir Visitors

Will find Econis and board for ten dollars a week, house all newly furnished, at 203 Kenwood Place, between with and tilth streets, oner tirand famile. yard, south side. Two blocks from elevated road five minutes rich to the fair. Correspondence solution.

Saturday, July 22, to each purchasor at the tireal Atlantic sell Pacific Tea com-pany's, 100 Monroe street.

ventative of Disease.

Bath-Rooms Could Be Fitted in

Under the present conditions of so-ciety sickness is more prevalent in the homes of the poor than of the well-to-do. The relations of society are such that what affects one member reacts on others. A case of sickness, especially if of the infectous sort, is likely to be con-veyed to others entirely without their knowledge or consent. These statements are so evident that

to mitigate the evils complained of. The efforts of boards of health. how-

ever, are reatricted, if not by law, by the by the limited expenditure of money.

There are numerous causes which tend to invitesickness, more particularly the aggregation of many individuals in circulars and the second control of the second

the aggregation of many individuals in circumscribed area.

The limited supply of fresh air and sunlight into a room—a result of many dwellings, stores, warehouses, etc., without sufficient space between themand of the crowding of too many persons in such rooms to save expense. The regulation of the construction of buildings and the number of occupants is a normal function of a city government and more or less generally exercised. But there is a function of city government which is not often provided for at the present day, although the ancient Romans did so, and other nations which are commonly regarded as only semi-civilized make some provision for, I refer to public bath houses.

Cleanliness Absolutely Necessary. there are many on record. know that good rubbing of the horses' coat is more efficient to maintain a cheerful and healthy condition of the animal than extra feed. Dirt is the breeding place of diseases, not alone of those called communicable, such as smallpox, system which can be thoroughly done only with the free use of water inside and outside of the body—is a prolific source of bad health, because of the

poisons we daily produce not having free means of escape.

Why should we not be provided with baths, either free or at a normal cost? Is it the proper thing to do, to invite persons to make our city a home, and then have them tell us "we are not able to be clean," and thus foster the breeding for disease and crime? We must remember that "the curse causeless does not come." The Japanese take daily baths and are healthy. I do not claim that baths, even daily ones, will keep away all sickness, but that it will do a large share in preserving a condition of health capable of resisting much sick-

Large cities like New York and Lon-don have found that public bath houses are worth infinitely more than they cost, not counting the great amount of pain and suffering they lessen. Our own beautiful city can well afford the exense, as it need not be a large one. The basements of our city half and the dif-ferent school houses can, at a very small expense, be fitted with shower baths encioned in wooden partitions, where all could be accommodated and in some instances the children would be benefited physically and rendered more capable mentally by having a bath be fore entering the school room.

The junitors of the different buildings

summer months a more trifle.

WHYNOT FREE BATHS

Necessity for Bathing as a Pre-

CITY SHOULD PROVIDE MEANS

by common consent cities empower their boards of health to do whatever they can

however, with proper care and surround-ings, the sick list should be small in companson to citizens generally. This smail percentage has been decreased quite markedly since the men have been required under military rule to take frequent spray baths.

This is but an illustration of the effects of personal cleanliness of which typhoid, cholera, scarlet fever, measies, etc., but the imperfect cleaning of the

would have but little extra labor, as the washing out of these bath rooms could be done mostly with the hose and broom. The heat provided for warming the school house during the winter would also furnish sufficient warm water and the cost during If thought best, a small charge could be made for soup and towels, or the patrons could bring their own and lessen the charge. If not available, cheap both houses could be located as needed. A famous writer, who always were a white vest, gave as a reason for his hobby that no man with a clean what yest on would commit murder. The circles would commit murder that clean shirt. These again a clean skirt, and these would are the committee of the committe agely secure a describe in thought and words. Correinly no man with a clean skin is so likely for grovel in degrelation or be satisfied with all easitary surroundings. When his soif respect to appealed to what depends on himself is think to be improved. When been shall an provide cheep or free baths and give additional opportunities for browning our sick list, and thus incremery the

In New Quereen, M. D.

In New Quereen,

Otherwise Ten Store in their located at 169 Canal street, the receiptal having.

The document of passes because of the contract of the

The Great Quarter Off Sale of Men's Suits a Big Boomer

AND NOW A NEW SENSATION

The Great Slaughter Sale leaves us with some 200 ODD SUITS—one or two of a kind-broken sizes. It makes no difference to the buyer whether we have one or a hundred Suits left, so long as we fit you. If you can find a fit in the lots indicated above you

CAN BUY CHOICE AT

ONE-THIRD OFF

Meanth Suits, full of there is a future of the construction of the construction of the construction of the there is a future of the construction of the there is a future of the construction of the construct

For the best teas, coffees, etc., in the city go to Sharr's Tea Store.

The Grocery Department is Growing.

Compare our prices with the corner grocery or your book, Price's Baking Powder, 40e a lb. The World's Fair Coffee. Chase & Sanborn's, 25, 25 and 35c. saved by buying our teas. 15, 20, 25 to 48e a lb. Hire's Root Beer, De.

Good Table Salt, 3c a bag. Mustard, Ginger and Cream Tartar, 71 or for Cured Egg Plums. 1214c for best Tomatees.

41-c a cake for Santa Claus Soap.

Sunday, July 16. Mile. Lavelle, in wonderful exhibition of slide for life. Albert Howe, exhibition of tumbling.

Harry Brower, the premier aerialist. Several other equally as attractive features, all at North Park today. THIS IS THE season for sea water took, Soft shell crabs, lobsters, fish, etc., just from the coast.

at Dettenthaler's. K. O. T. M. to Muskegon. July 16, via C. & W. M. Railway, leave Union station 8 a. m. Rate \$1.00.

TORTURING ECZEMA

Editor lows Plain Dealer Cured of Insufferable Itching and Pale by the Cuticura Remedies.

No Less Than Five Physicians Consuited. Their Combined Wisdom Followed Without Benefit.

I am sixty six years old. In Angust, 1885, was troubled with the peculiar skin disease to which people of my age are satisfed, known among modical men as eccess. Its first appearance was rear the unite. It rapidly extended over the lower

Cuticura Resolvent

he new Blood and Ukin Parties, and greatest (unior Remodes, letternally (to cleares the left

78 and 80 West Bridge St.

We have just received one carload of Queeusware. During this week we offer Decorated Chamber Sets, Dinner Sets, Glassware, at prices so much below the regular value that the sayings will pay your expenses to the world's fair.

6-piece handsomely decorated Chamber Set............ 1.58 10-piece handsomely decorated Chamber Set 248 12-piece handsomely decorated Chamber Set 3.98 White granite Platters De each White granite Bowls seach Glass Tumblers 3c ench Glass Goblets...... 3c each Celery Dish10c each

Shoes!

We shall offer during this week reliable good fitting goods

Shoes!

at less prices than shoddy goods are sold at. 150 pair Children's Button Shoes, 2 to 5, regular price 25c., 19c 100 pair Children's button, black, russet and red, 3 to 5, regular price 75c..... 48c 50 pair Children's Oxfords, black, russet and red, 3 to 5 reg-ular price 85c 75 pair Children's button, russet and red, 5 to 8, regular O pair Ladies' Dongola button, regular price \$1....... 60 pair Ladies' Dongola button, regular price \$1.50 1.10

60 pair Ladies' Dongola button, tip, regular price \$1.75 ... \$1.25 00 pair Ladies' Dongola button, hand turned, reg price \$3.00, 2.11 so pair Ladies' Sample Shoes, not a pair worth less than Men's fine Dress Shows, calf, congress, any style, every one

HENRY HOFFMASTER